

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
May 24, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Kenny, Spain, Bigelow, Forman

STAFF ATTENDING: Ginsberg, Keating

PUBLIC HEARING

Chairman Damanti mentioned that the first item on the agenda, Special Permit Application #47-D for the Darien Community Association, had to be rescheduled and will be heard on June 28th. The fourth item on the agenda, Business Site Plan #24-O/Special Permit Baskin Robbins Ice Cream at 25 Old King's Highway North in Goodwives Shopping Center, has been rescheduled and will be heard on June 14th.

Special Permit Application #47-D, Darien Community Association, 274 Middlesex Road. Proposing to update the existing Special Permit to add new programs due to its merger with the YWCA. The subject property is located on the south side of Middlesex Road, approximately 1,000 feet north of its intersection with Libby Lane, and is shown on Assessor's Map #20 as Lot #42 in the R-1 Zone. *POSTPONED.*

Business Site Plan #24-O/Special Permit, Baskin-Robbins Ice Cream, 25 Old King's Highway North. Proposing to establish an ice-cream parlor within Goodwives Shopping Center. The subject property is on the south side of Old King's Highway North, approximately 150 feet southwest of its intersection with Brookside Road, and is shown on Assessor's Map #71, as Lot #19, in the DC Zone.

Chairman Damanti then read the following agenda item:

Mandatory Referral, Coastal Site Plan Review #207, Flood Damage Prevention Application #223, Town of Darien Sewer Commission, Five Mile River Road. Proposing to install low pressure sanitary sewer main and stubbed laterals to serve residences along Five Mile River Road and perform related site development activities within regulated areas. The area of sewer installation is within the Five Mile River Road right-of-way from #86 to #147, excluding #87, approximately 2,850 feet in length, and is shown on Assessor's Maps #66 and #67, in the R-1/2 Zone.

Michael Fishman of Stearns & Wheler, Environmental and Engineering Consultants, appeared on behalf of the Sewer Commission and explained that the project involves the construction of a low pressure sewer main in the Five Mile River Road right-of-way. The low pressure main will have a 1 1/2 to 2 inch diameter pipe and each house that hooks into the sewer system will have a grinder that converts the waste into a slurry consistency and pumps it into the low pressure pipe system. Mr. Fishman explained that coastal resources in the area include shore land and adjacent tidal wetlands but, he pointed out that all of the proposed sewer system would be located above the high

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tide area and would be placed underground. No large pumping station would be needed and no trees need to be removed to facilitate the construction. He said that the proposed project would not have any impact on flooding and would not be impacted by flooding that occurs in the area.

The staff noted that the plans have been referred to the Southwestern Regional Planning Agency and the City of Norwalk. No comments had been received from either of those entities. Plans had also been referred to the Connecticut Department of Environmental Protection. Assistant Director of Planning David Keating read aloud the letter from John Gaucher of the Connecticut DEP indicating that they had no issues or problems with the proposed plan.

Commission members noted that the plans include a manhole at the south end of Five Mile River Road. Mr. Fishman explained that this is a flushing manhole and would be used as a clean-out station. Commission members expressed concern about the procedure that would be used to pump out or flush out the system and whether or not any effluent would drain from there into or toward the wetland. Mr. Fishman explained that during the pumping and cleaning out procedures, nothing would leak out or drain out to the environment. The entire system is a closed system. There was some discussion about the possibility of having a double sleeved pipe or a conduit pipe into which the low pressure sewer pipe would then be placed. Mr. Fishman explained that the use of the double sleeved conduit pipe would not be appropriate in this instance. He said such conduits are typically only installed when the pipe is going through a wetland or a watercourse area and the use of a conduit would avoid the area having to be disturbed a second time if the pipe needs to be replaced in the future. He said that in this case the use of a conduit pipe would not be appropriate because they are not going through any wetland or watercourses.

Commission members noted that in the application, it was mentioned that the project will have a \$29,000 benefit for each property. They asked how that number was determined. They also asked how many residents of the Five Mile River Road area want the sanitary sewer and how many residents would be capable of hooking into the sewer. Mr. Fishman indicated that he was not able to answer those questions because he had only dealt with the environmental aspects of the project. Commission members asked how long the residents would have to hook up to the sewer. Mr. Fishman said that residents are not forced to hook into the sanitary sewer as soon as it is installed. They may hook up at any time in the future and there is no minimum number of people who must hook up to the system in order to make this type of system work. He said that it is typical that when property owners wish to expand their residence or, if they are having a septic system problem, then they will connect into the sanitary sewer system.

In response to questions, Mr. Fishman explained that the grinder pump system includes an alarm to warn the residents if the grinder and/or pump fails. He said that the maintenance of the grinder pumps is the responsibility of each individual property owner. He noted that there is a holding tank included as part of each system so that if a grinder pump fails, it does not immediately back up into the house. He also noted that many residents will not connect into the system immediately but in case they have a septic system failure, it is good to have the sanitary sewers available for these types of shore line properties.

In response to a question, Mr. Fishman said that even in a flood type of situation, the entire sanitary sewer system is a sealed system and therefore, the flood will have no impact on the sanitary sewer system. There would also be no leakage of waste product from the sewer system to the

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environment. He said that a low pressure design was used due to the terrain and the need to pump the waste uphill to the nearest existing gravity flow portion of the existing sanitary sewer system. Mr. Fishman said that they will be installing the sanitary sewer in short sections so that they can excavate backfill and pave as they go. This will eliminate the likelihood of erosion from the temporarily disturbed areas reaching the tidal wetlands. He said that anytime that they need to de-water a trench, they will do so through filters so that the dirty water will be directed into the environment. Mr. Fishman said that many people in town already have grinder pump systems and they perform well. The alarm indicating a system problem or failure is very loud and easily heard and the overflow storage capacity means that if there is a system failure, the waste does not leak into the environment.

Patty Leasure of 94 Five Mile River Road said that she is an advocate of the proposed sanitary sewer system and that 400 residents of Darien already have this type of low pressure grinder pump system. She said that 21 residents of the street wanted the sanitary sewer extension and 20 residents did not want the sewers to be installed at this time. She said that there has been at least 30 years of grinder pump/low pressure system experience and that the Sewer Commission endorses this type of design.

David Sinclair of Five Mile River Road asked how much blasting will be necessary to install a pipe. He noted that there is considerable ledge on the southerly end of Five Mile River Road and that the southerly end of the street is a private street. Mr. Fishman said that the amount of blasting has not yet been determined. It would not be determined until after core samples have been extracted and the exact location of the trench has been designed.

There being no further comments, the public hearing regarding this matter was then closed.

Chairman Damanti read the following agenda item:

Special Permit Application #11-M, Ox Ridge Hunt Club, 516 Middlesex Road. Proposing to amend the existing Special Permit to allow the auction of motor vehicles in July 2005. Subject property is located on the south and east sides of Middlesex Road, directly across from its intersection with Ox Ridge Lane, and is shown on Tax Assessor's Map #6 as Lot #149, R-2 Zone.

Commission members noted that the proposal involves a temporary auction of luxury automobiles to be conducted for several days during the month of July 2005. Director of Planning Jeremy Ginsberg indicated that the Ox Ridge Hunt Club has not had non-horse related special events in the past, and that this was something different, thus the need for an Amendment of the Special Permit.

John King explained that his company will run the auction and has received permission from the Ox Ridge Hunt Club to use their facilities for several days in July. They will set up large tents to accommodate the vehicles to be auctioned and the guests. He said that this is not a dealer operated function. He expects about 30 cars to be sold, but is hopeful that it might be as many as 60 vehicles. He said that they anticipate approximately 300 people will attend at any given time. All parking for the event will be conducted on-site. No use of the surrounding streets for parking will be permitted.

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There were no comments or questions from the public regarding the application. The public hearing regarding this matter was then closed.

Chairman Damanti read the following agenda item:

Business Site Plan #228-A, Protected Town Landmark #7-A, Little Red Schoolhouse, 21 Tokeneke Road. Proposing to construct a second story addition on the rear portion of the existing building; create a public plaza easement and a public pedestrian easement; and to perform related site development activities. The subject property is located on the southwest side of Tokeneke Road approximately 175 feet southeast of its intersection with Boston Post Road and Tokeneke Road, and is shown on Tax Assessor's Map #72 as Lot #46, CBD Zone.

Attorney Robert Maslan represented Charles Thomas and explained that this is a project similar to what had been approved in 2000 and had only been partly implemented. The Little Red Schoolhouse building was originally constructed near the Congregational Church on Brookside Road. It was moved to its present site approximately 100 years ago. It became a hardware store for many years and then fell into disrepair. It was renovated and restored by Mr. Thomas a few years ago and has a small parklet/open space area created at the rear (which is adjacent to Center Street). The front of the building is adjacent to Tokeneke Road.

The proposed second floor addition will have a slightly higher roof than the existing ridge line. Mr. Maslan explained that this is typical of additions to old buildings because it avoids structural and drainage problems. He said that the Architectural Review Board has reviewed and approved of this design. A new back wall of the second floor will coincide with the back edge of the existing deck on the first floor level. The entire first and second floor will be used as retail and commercial service business space. He noted that the neon sign will be removed as will the temporary sign on the back wall of the building. He also noted that the satellite dish that is now in the back of the building below the main roof will also need to be removed. Attorney Maslan said that they will dedicate the back parklet area as a public plaza area.

Mr. Thomas explained that the satellite dish antenna and the sky lights and the smoke stack will all be eliminated as part of the project to construct the addition to the building. Attorney Maslan said that they will document the pedestrian right-of-way that is located on the subject property and allows pedestrians to travel from Tokeneke Road to Center Street. Mr. Thomas noted that the previous approval for the second floor addition had a slightly lower roof than is currently designed. A change is necessitated by the need for code compliant internal floor space.

There were no comments from the public regarding the application. The public hearing regarding this matter was then closed.

Chairman Damanti read the following agenda item:

Land Filling & Regrading Application #53-A (2), Darien High School Building Committee, 80 High School Lane. Proposal for an amendment of the existing Special Permit to allow the periodic use of a portable recycling plant (crusher) to process existing material on-site. The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road, and is shown on Tax Assessor's Map #9 as Lots #80 and #81, R-2 Zone.

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Peter Maglathlin, Chairman of the High School Building Committee, explained that a temporary rock crushing operation is necessary for the project to continue. He introduced Ron Martin of Guerrera Construction Company. Mr. Martin said that they have not received complaints about the temporary rock crushing that has occurred on the site in the past. He said that noise complaints were generally about other equipment but not specifically about the rock crushing. He said that the rock crushing operation will be from 8:00 a.m. to 4:00 p.m. and will extend for approximately three weeks during the summer of 2005. He said that they will not be crushing building fragments or the foundation of the old building. They will be crushing and processing rock that is excavated as the project continues. It is anticipated that the existing high school building will be demolished during the summer of 2005 but it might not be completed by the time that students return to school in the September of 2005. The play fields and the large oval area in front of the school will be worked on during the summer of 2005 but will not be ready for use in the fall of 2005.

There were no comments or questions from the general public regarding the proposed temporary rock crushing in the summer of 2005. The public hearing regarding this matter was closed.

Chairman Damanti read the following agenda item:

Land Filling & Regrading Application #140, 15 Salt Box Lane, LLC, 15 Salt Box Lane. Proposing to regrade a portion of the back yard, construct a retaining wall, and perform related site development activities. The subject property is located on the west side of Salt Box Lane, approximately 725 feet north of its intersection with Boston Post Road, and is shown on Assessor's Map #45 as Lot #10, in the R-1/3 Zone.

Mr. Damanti then explained that since he shares office space with Attorney Stephen Pierson who represents the applicant, Dennis Conroy, that he, Mr. Damanti, would not participate in the public hearing or discussions regarding this matter so as to avoid any potential conflict of interest. He left the room. Mr. Spain served as Acting Chairman and noted that some site work and regrading had been done on the site before the application was submitted. Attorney Pierson agreed, and explained that the site work had been discontinued since the application was submitted. He submitted photographs of the existing site conditions and illustrated the need for the small retaining walls to make the site flatter in some areas and to lessen the slopes. In this case, the regrading involves removing ground from the subject property because it is lower than the adjacent neighbors. The retaining walls hold back the higher ground of the neighbors and allow the subject property to have flat areas that are lower than the neighbors' properties. The property slopes up from the street as the property goes farther to the west (the rear of the site) and the neighboring properties are all higher than the subject property. No fill or new material would be brought into the site. The regrading involves lowering the subject property so that it would not be sloped.

Commission members noted that Mr. Conroy has built houses in town before and that he should not have started doing this excavation work until he first got permission from the Commission. Mr. Pierson said that his client probably thought that he was making the site better and that his client will put up a fence that is desirable and acceptable to the neighbors to provide for safety so that no one falls down from the neighboring properties down the retaining wall into the subject property. Mr. Pierson said that the regrading will not change the water flow direction. Water still flows from

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the neighbors' properties into the subject property but, instead of flowing toward the house at 15 Salt Box Lane, the water will be directed around the house.

There were no comments or questions from the public regarding the application. The public hearing regarding this matter was closed.

Chairman Damanti returned to the meeting and read the following agenda item:

Business Site Plan #239, Peter Ike, New England Window & Door, 1911 Boston Post Road.

Proposing to establish a window, door and kitchen showroom within the front building on the property. The subject property is located on the north side of Boston Post Road approximately 215 feet northeast of its intersection with Garden City Road, and is shown on Assessor's Map #42 as Lot #5, in the NB Zone.

Peter Ike explained that he had purchased the property from Mr. Flaherty and that he now wishes to convert the front portion of the commercial building from an insurance company into a window and door showroom as well as a kitchen cabinet showroom. He said that much of the site is paved parking area to the rear of the commercial buildings but that much of this parking area is located in the residential zone. He said that he is seeking recognition of the paved parking area that has existed for 50 or more years. Mr. Ike explained that a large portion of the commercial building is an old green house that has now been covered with a tin roof. A small portion of that greenhouse is Mr. Flaherty's office for his plumbing business and storage area for his plumbing business.

Mr. Ike said that Mr. Flaherty's plumbing business will be staying at the same site for at least the next few years. In response to questions, Mr. Ike said that the house to the east (near the street) has three apartments and another house, located on the rear of the property, is a single family dwelling but it has three tenants that share the same space.

There were many questions about the paved parking area in the residential zone, the uses of the buildings, permits and approvals that might have been obtained in the past and the Commission members noted that they had not received a site plan. Mr. Ike said that he could submit a site plan but had not done so. Commission members said that the site plan would need to show the zone line and where parking would be for the commercial use. They agreed that they would continue the public hearing in order to get the necessary information.

Mark Thorne of 37 Dickinson Road said that he is pleased with the renovation work that has taken place so far. He noted that very few people went into the insurance agency and that frequently one of the parking spaces in front of that agency was vacant or available. He said that he was very concerned about the change of the business use and its possible parking demand. He is also concerned about the potential of the business use and/or the parking for the business use that will expand to the residential zone. He said that he is not opposed to what has been proposed by the applicant but is concerned about any potential uses in the residential zone.

Barbara Thorne of 37 Dickinson Road said that she is concerned about other businesses sharing the same space. She noted that the single family house in the residential zone has been rented to three people and is concerned about future problems in that area.

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Commission members agreed that additional information was necessary before the public hearing on this matter would be closed. The following motion was made: that the Commission continue the public hearing regarding this application on June 14, 2005. The motion was made by Mr. Spain, seconded by Mrs. Forman and unanimously approved.

GENERAL MEETING

Chairman Damanti read the following agenda item:

Amendment of Coastal Site Plan Review #204, Flood Damage Prevention Application #218, James & Susan Ramsey, 136 Pear Tree Point Road. Amendment to previously approved plans to finish additional basement space.

Director of Planning Jeremy Ginsberg, explained that Mr. & Mrs. Ramsey had obtained approval from the Zoning Board of Appeals and the Planning & Zoning Commission to construct additions to the existing residence. As part of those approvals, the design called for elimination of most of the existing basement and saving only a small portion of the basement. All mechanical equipment, utilities and appliances would be removed from the basement and relocated to the first floor where they would be above the expected flood level. The Ramseys have now reassessed the design and would like to be able to keep more of the basement area for storage of personal items. They have already returned to the Zoning Board of Appeals and received an amendment of their approval to allow this. Now they are seeking amendment of the Planning & Zoning Commission approval to allow more of the basement to remain. The Commission members discussed the situation and the following motion was made: that the Commission authorize the amendment of the prior approvals to allow more of the basement to remain provided it is not used as living space and does not house any mechanical equipment, appliances, or utilities. The motion was made by Mr. Bigelow, seconded by Mrs. Forman and unanimously approved.

There being no further business, the meeting was adjourned at 10:30 p.m..

Respectfully submitted,

David J. Keating
Assistant Director of Planning